

Press Release 73/2024 English

**PERU IS INTERNATIONALLY RESPONSIBLE FOR THE DELAY IN THE  
EXECUTION OF AN AMPARO JUDGMENT THAT PROTECTED THE RIGHT TO  
COLLECTIVE BARGAINING OF THE MEMBERS OF THE CONSOLIDATED  
WORKERS UNION OF ECASA (SUTECASA)**

*San José, Costa Rica, November 15, 2024.* – In the judgment in the *Case of Members of the Consolidated Workers Union of ECASA (SUTECASA) v. Peru*, notified today, the Inter-American Court of Human Rights declared the international responsibility of the State of Peru for the violation of the rights to judicial guarantees, judicial protection, freedom of association, to take part in the conduct of public affairs and collective bargaining, to the detriment of the members of that Workers Union.

The official summary and the full text of the Judgment can be accessed [here](#).

In 1990 the members of SUTECASA filed an appeal for legal protection (amparo) requesting the non-applicability of two decrees which, in their opinion, disregarded that agreed in a Collective Agreement. The judicial authorities ruled in favor of the Workers Union in 1996, but the execution of the amparo judgment led to a series of judicial decisions and an execution of judgment process that lasted over 28 years. The I/A Court HR did not find a reasonable justification for the delay and considered that it prevented the effective guarantee of compliance with the amparo judgment, rendering this remedy ineffective. Moreover, it found that the passage of time has affected those involved in the process, who are mainly elderly persons, most of whom have passed away.

The Court also noted that this situation is part of a general structural problem, which is Peru's failure to comply with judicial decisions, specifically the delay in the execution of amparo judgments, which prevents the realization of the rights to judicial guarantees and judicial protection. Since the State has not adopted effective measures to remove this problem or practices, it has violated the duty to adopt measures in its domestic law to give effect to the rights enshrined in the Convention.

Thus, the Court concluded that the State of Peru violated the rights to judicial guarantees and judicial protection, enshrined in Articles 8(1), 25(1) and 25(2)(c) of the American Convention, in relation to the obligations to respect and guarantee rights and adopt domestic legal effects, established in Articles 1(1) and 2 of that treaty, to the detriment of the members of SUTECASA.

Moreover, the Court considered that the delay in the execution of the judgment disregarded the right to collective bargaining, which entails not only the right to negotiate but also the right to compliance with that agreed, with the understanding that agreements resulting from collective bargaining must be of mandatory compliance for the parties. In this regard, the Court considered that the lack of certainty of the effects of a favorable amparo judgment on the interests of the members of the workers union affected their right to collective bargaining, namely the obligation to respect the agreements signed and to ensure their application in good faith.

Therefore, the Court found the State responsible for the violation of the right to freedom of association, the right to take part in the conduct of public affairs and the right to collective bargaining, recognized in Articles 16(1), 23(1) and 26 of the American Convention, in relation to the obligation to respect and guarantee the rights established in Article 1(1) thereof, to the detriment of the members of



Based on the decision, the Court ordered the establishment of an updated workers union register, which must include all individuals who were members of the Consolidated Workers Union of ECASA at the time when the appeal for legal protection was filed, in order to consider them as the victims and for them to receive the reparations ordered in the judgment. In addition, it ordered the following comprehensive reparation measures: (i) to publish the judgment of the Inter-American Court and its summary; (ii) to hold a debate at the Judicial Branch with the participation of the Human Rights Department of the Ministry of Justice and Human Rights to analyze the structural problem identified in the judgment and reflect on possible measures to overcome it; (iii) to design and implement, through the School of Justices (Academia de la Magistratura), a mandatory training and virtual update for all judges who hear amparo proceedings, to address the structural problem identified in the judgment; and (iv) to pay the sums established in the judgment for compensation of pecuniary and non-pecuniary damages, as well as costs and expenses. In addition, the Court ordered Peru to reimburse the expenses to the Victims' Legal Assistance Fund.

Judges Nancy Hernández López, Rodrigo Mudrovitsch, Humberto A. Sierra Porto and Eduardo Ferrer Mac-Gregor Poisot disclosed their opinion on this judgment.

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The Court's composition for the issuing of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge Ricardo C. Pérez Manrique (Uruguay) and Judge Verónica Gómez (Argentina). Judge Patricia Pérez Goldberg, due to reasons of force majeure, accepted by the full Court, did not participate in the deliberation or signing of this judgment.

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This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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